

SPRIT OF THE PRESS.

Editorial Opinions of the Leading Journals on Current Topics—Compiled Every Day for the Evening Telegraph.

ATTORNEY-GENERAL HOAR'S OPINION ON THE VIRGINIA TEST-OATH.

From the N. Y. World.

The opinion of Mr. Hoar in reply to the inquiry of Secretary Rawlins, whether the officers of the new Virginia State Government must take the test-oath, will have a reassuring influence, although exceptions may be taken to some of the Attorney-General's reasoning. He splits the difference between General Canby and the Virginia conservatives; but splits it in such a way as to give Virginia the oyster and Canby the shells. Congress, Mr. Hoar maintains, cannot prescribe tests for the State of Virginia any more than for the Governments of the other States, and therefore the test-oath cannot be required; but then, on the other hand, the new Government has no validity until accepted by Congress, and can perform no functions except such as may be prerequisite for bringing it before Congress for judgment. The Virginia Legislature, Mr. Hoar thinks, may assemble and organize without taking the test-oath; but it can pass no laws, and can transact no other business than to ratify the fifteenth amendment. It may do this, he thinks, because Congress has prescribed it as a condition of admission; but, since the military government will stand until the State is admitted, the ordinary functions of the new officers remain suspended until that time, unless they take the test-oath. The new Virginia government is a fetus perfectly formed and nature for birth, awaiting the Congressional accouchement; but, though unborn, it can nevertheless comfort into the air for the sole purpose of going to Washington and getting the accouchement to deliver it!

The legal absurdity of a part of the Attorney-General's opinion must not blind us to the excellence of its practical effect—the practical effect, we mean, of the whole opinion. It capsize the pretty radical scheme in which this test-oath proposition had its origin: the scheme to throw out so many of the conservative members of the Virginia Legislature as to make the radicals a majority, and then proceed to elect radical Senators to Congress. We are too grateful to Mr. Hoar for blasting this contemplated assembly, to bear very hard upon that part of his logic which he brings to the radicals and radicals Canby. The Attorney-General is a radical himself; he wishes to keep on terms with his faction, and we must pardon something to the exigencies of his position. The Senators cannot be elected when the Legislature first meets; but when they are elected, they will be chosen by the same body, neither thinned by the test-oath nor trammelled by the presence of a military government. The majority of the Legislature will be of the same mind next January or February as when they first assembled in September; both in the choice of Senators and the passage of laws they will act upon the same principles. The postponement gained by the radicals under the Attorney-General's opinion is a barren advantage; it is the unprofitable malice of keeping an heir out of his estate for a few months, by vexatious litigation which does not impair his rights, and will change nothing in the end. The distinction which Mr. Hoar tries to draw between ratifying the fifteenth amendment and other legislative business, will strike many minds as ridiculous. The ratification will be a nullity unless given by a valid Legislature; and it is preposterous to contend that a valid Legislature cannot transact the ordinary business of legislation. Mr. Hoar must of course assume the constitutionality of the Reconstruction acts, and there would be no justice in complaining of any conclusions which, by fair reasoning, he may deduce from that assumption. It is undoubtedly true that, according to those acts, the new government has no complete authority until Congress shall have accepted it. If Congress rejects the new constitution, and the whole structure falls at once into ruins. In that case, the ratification of the fifteenth amendment would be just as null and nugatory as any other act of the abortive Legislature. In point of authority, all its acts must stand on precisely the same footing. If Congress can cast back a retrospective authority upon one of them, like the ratification of a constitutional amendment, it may upon all. The provisional passage of ordinary laws, or the provisional election of United States Senators, is just as much within the competency of the Virginia Legislature as the provisional ratification of the fifteenth amendment. They would all be alike void if Congress should reject the new constitution, and they would all be clothed with equal vigor and authority by the acceptance of that instrument. This part of the Attorney-General's reasoning rests upon a futile distinction; the new Legislature being just as competent to transact any other business as to ratify an amendment. Congress may just as well give a retrospective sanction to ordinary laws as to a ratification.

The concession which Mr. Hoar makes to General Canby's crotchet, and the consequent postponement of legislation and the election of Senators, though untenable in logic and objectionable in point of convenience, will have one compensating advantage which was not in the contemplation of the Attorney-General when he wrote his opinion. As it puts off the election of Senators until after the approval by Congress of the new constitution and its acceptance of the State government, the Legislature will be quite free to express its real choice in the election; whereas if the Senators were to be chosen immediately, the Legislature would be restrained by fear, that a choice displeasing to Congress would imperil the new government. In consequence of the postponement, the Senators will not be chosen by a Legislature which is a timorous candidate for Congressional approval, but by a Legislature acting with the full confidence of assured authority; free to elect whom it pleases without endangering the re-establishment of the State as a member of the Union.

THE CLOUD IN THE EAST.

From the N. Y. Times.

There is a storm brewing in the East. No Oriental potentate who did not mean mischief would have written a letter such as that which we recently published from the Sultan to the Viceroy of Egypt. It was intended to provoke resistance, and as it was received in a spirit of submission, it is at once followed up by measures more suggestive of the bowstring and the Bosphorus than of a mild paternal rule. The Sultan, it is stated, has sent a message to the Viceroy graciously approving his loyal assurances, but commanding him to "sell" or "transfer" to the Turkish Government the ironclads and breech-loaders ordered in Europe, and to keep his forces within prescribed limits, to abstain from negotiations with foreign Governments, and not to contract loans without his consent. A more arbitrary or exasperating ultimatum has never been received by any ruler. The words to "sell or transfer" in relation to the ironclads and small arms, mean one and the same thing. If the Viceroy chose to sell the goods which his lord covets, a tax would be put upon his own subjects to raise the money, and after all the Sultan would select his time of payment. The humiliation to Ismail Pasha consists in his being compelled to part with materials of warfare which he bought for the protection of his kingdom. It seems almost impossible for the Viceroy to resist the commands which have been transmitted to him. The complete independence of Egypt is a dream which may have flitted through his mind during the last few years, and the manifest decline of Turkey may have tended to give it shape and substance. But is Egypt ready to shake off the bond of the Caliph? Her people scarcely know what patriotism means, and a very large proportion of them would look upon revolt against the head of Islam as an act of sacrilege. Since the time of Saladin, Egyptian independence, on a settled basis, has been as impossible as the return of the Pharaohs. The Caliphs have ruled the country with a hand of iron. The spasmodic efforts of the Mamelukes resulted in greater miseries for the oppressed people. Egypt tried to throw off her allegiance to the Court of Constantinople less than six and thirty years ago, but the old bugbear of the "balance of power" frightened Europe, and the greatest Viceroy of modern times was deprived of the fruits of a long and gallant struggle. What better hope could Ismail Pasha have of conquering now, supposing that he meditated resistance?

ALL HAIL TO PERU.

From the N. Y. Sun.

One of the youngest members of the American family of republics, Peru, has eclipsed her older sisters by holding out the right hand of fellowship to the heroic Cubans, and by formally acknowledging the national independence of Cuba. This example will no doubt be speedily followed by the other South American Republics, excepting perhaps the Argentine Confederation, whose ruler, Sarmiento, acts as if he were a vassal of the slave empire of Brazil. Soon we may hope to see Peru, Chili, Ecuador, Bolivia, Colombia, Venezuela, and Mexico co-operating in Cuban waters against the Spanish fleet, and proclaiming with united voices the abolition of slavery and the freedom of Cuba. Luckily for them, they have no Alabama claims, and General Grant is not their President.

THE CRITICAL STATE OF THINGS IN FRANCE.

From the N. Y. Herald.

Cable telegrams from London convey the important intelligence that the Emperor Napoleon the Third is decidedly ill, and that his sickness is of an alarming character, as regards the probable result of the attack. Private advices from the French capital represent that his Majesty experienced a paroxysm of disease which was attended with very considerable suffering during Saturday, and that he remained, notwithstanding his naturally buoyant constitution and almost wonderful power of recuperation, exhausted from its effects on Sunday. It was not anticipated that a fatal result would ensue, but the symptoms, as we are told, were then decidedly calculated to excite uneasiness in the public mind. Unbusiness and excitement were consequently felt, and the illness of the Emperor is now a universal topic, not in France only, but throughout Europe. The daily bulletins from his physician do not command the public confidence. Meantime we have no doubt the discussions and propositions considered in the councils of state in view of possible contingencies are of the utmost importance. The action of the Senate, however, in rejecting, by a vote of one hundred and thirteen to nine, an amendment to the Senate's Constitution proposing liberal reforms in the constitution of the Senate, has the appearance of a reactionary movement in favor of the Emperor's personal government; and this vote is calculated to create suspicions as to the sincerity of Napoleon in his promised liberal programme. The one hundred and thirteen Senators who voted against the amendment may, however, have been governed more by their personal interests as Senators than by the wishes of the Emperor; but, whatever the inspiration, the vote was for imperialism and against popular concessions.

In every point of view the vote is remarkable, and particularly so in the face of the Emperor's earnest appeal in support of the amendment. The imperialist journals, it appears, express great discontent at the Emperor's speech, and say that he went too far; but the general opinion is that the Emperor displayed great ability and a liberal spirit which commands the sympathy of the people. All this is very significant, and we shall not be surprised if henceforward the Emperor Napoleon shall advance from day to day more distinctly into relief as the coming man for France. He is universally recognized as not only possessing in his personal appearance a most wonderful likeness to Napoleon the First, but as also possessing the Napoleonic grasp of mind in a remarkable degree, and in full accord with the liberal and progressive ideas which mark the universal spirit of the age. The Emperor Napoleon is a man of great intellect, a great thinker, and from the signs of the times he is destined to become a great actor in the reconstruction of the affairs of France and of Europe, should his cousin be called away.

BAD FOR PENNSYLVANIA.

From the N. Y. World.

One of the suspicious incidents of the Gettysburg reunion is that certain lot traffickers in dead men's bones have bought up considerable quantities of the land on which the great battle of 1863 was fought. A second suspicious circumstance is, that it is stated in the press despatches from the scene of the late hubbubbery that a movement was on foot to secure the purchase of the battle-field by the Federal Government, in order to maintain it as public property forever hereafter in terram of all Rebels; and a third incident, supplementing the other two, is that, cheek-by-jowl with the openly known manipulators of the land purchases, we find Geary, Governor of Pennsylvania. It is Geary who "marks out" with such detail the lines upon Culp's Hill—that hill which is not as yet bought up, but upon which the land buyers have their eye; it is Geary, too, who is master of ceremonies at the grand ball, where such graveyards as the "Poles," "Vino Velho Real," and "Crown," "Glares"—Promis Aine & Cie., Montferand and Bordone, "Medier Swan."

LOUIS NAPOLEON ON AMERICA AND RUSSIA.

From the N. Y. Sun.

The present Emperor of the French expressed, in his famous work entitled "Napoleonic Ideas," the following opinion on the subject of American and Russian influence:—"I see at the present day only two governments which fulfill well their providential mission; these are the two which exist, one at the extremity of the new, and the other at the extremity of the Old World. While our Old European centre remains a hesitation on the road of improvement; one of them through the will of one man, the other through liberty. Providence has committed to the United States of America the charge of peopling and of subduing to civilization all that immense territory which extends from the Atlantic to the Pacific Ocean, and from the north pole to the equator. Their government, which is a simple administration, has had, up to the present time, but to practise the old adage: Laissez faire, laissez passer (let things take their course), in order to favor that irresistible instinct which urges the population of the United States towards the West."

Thus wrote the Emperor thirty years ago. His prophecy has been more than fulfilled. America and Russia are more and more becoming the arbiters of the destinies of the Eastern and the Western World. But who was it that attempted to arrest their progress except the author of the "Napoleonic Ideas"? Who sought to destroy Russia in the Crimean war and America in the Mexican invasion? At this very hour parties are intriguing actively against American supremacy on this Continent and Russian influence in the Orient. He admits the progress of the United States and of Russia to be providential, and yet no one strives more assiduously than he does to baffle their development. During the thirty years which have elapsed since the publication of Napoleon's work, America has got rid of slavery and Russia of serfdom, and both nations have made rapid strides towards that greatness which he predicted, and which he now opposes with all his might. In the Cuban question Bonaparte has so far proved to be the most unrelenting enemy of that progress of American power which only thirty years ago he regarded as an irresistible instinct, as a manifest destiny.

The course of events, however, will teach him in regard to Cuba, as it taught him in respect to Mexico, to keep his hands off from the American Continent, if he does not wish again to subject himself to disgrace and humiliation. The course of events, however, will teach him in regard to Cuba, as it taught him in respect to Mexico, to keep his hands off from the American Continent, if he does not wish again to subject himself to disgrace and humiliation.

LEGAL NOTICES.

IN THE ORPHANS COURT FOR THE CITY AND COUNTY OF PHILADELPHIA. Estate of GEORGE F. STUCKERT, deceased. The Auditor appointed by the Court to audit, settle, and adjust the account of HENRIETTA DE HAVERN, Administratrix of the estate of GEORGE F. STUCKERT, deceased, and to report distribution of the balance in the hands of the accountants, will meet the parties interested, for the purpose of his appointment, on TUESDAY, September 7, at 4 o'clock P. M., at his office, No. 811 ARCH Street, in the city of Philadelphia. W. MOYLAN LANSDALE, Auditor.

THE VIRGINIA QUESTION SETTLED.

From the N. Y. Times.

The Attorney-General has decided that the present Legislature of Virginia will be a competent legislative body as soon as the new State Constitution under which it is elected and the action of the Legislature thereon has been approved by Congress, and that its members will not be required to take the test-oath, as insisted upon by General Canby, except for such legislative action as they may have occasion to take, if any, previous to such approval. To secure representation in Congress the adoption of the fifteenth amendment is made a preliminary condition. This opinion, we presume, goes to General Canby with the force of an order. It seems, at first, to settle the difficulties between the General and the Virginians, but on closer examination we discover room for controversy. If there is complete legislative power vested in the Legislature now, as expurgated by the test oath, what is to prevent their organizing, turning out all who cannot take the oath and proceeding to elect their Senators and transmit any other legislative business that seemeth to them good? And if they can do it not pretty sure that they will? And is not that the washing of the bone of contention which the Washington authorities were asked to remove?

Since writing the above we learn from our special correspondent in Washington that the legislation of which the present Legislature is capable prior to the action of Congress upon the Constitution is purely provisional, and cannot permanently affect the status or fortunes of either party in the State. The order appears to have been well received, and promises a restoration of peace and confidence to Virginia.

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